REMARKS

In view of the following discussion, Applicants submit that none of the pending claims are made obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of the pending claims are in condition for allowance.

I. OBJECTION TO THE DRAWINGS

The Examiner has objected to the drawings for failing the margin requirement. Responsive to the Examiner, Applicants have provided replacement drawings to correct the margin of the drawings.

II. REJECTIONS UNDER 35 U.S.C. §103

A. Claims 1, 2, 5, 9, 10, 12, 18, 22 and 24

The Examiner rejected claims 1, 2, 5, 9, 10, 12, 18, 22 and 24, under 35 U.S.C. §103 in Paragraph 1 of the Office Action, as being unpatentable over Foladare et al. (U.S. Patent No. 6,049,602, issued April 11, 2000, herein referred to as "Foladare") in view of Isidoro et al. (U.S. Patent No. 5,384,771, issued January 24, 1995 herein referred to as "Isidoro"). The rejection of claims 1, 2, 5, 9, 10, 12, 18, 22 and 24 is respectfully traversed.

Foladare teaches a virtual call center. Specifically, call center functions are provided to a plurality of remotely located customer service representatives (CSRs) via a data network. Specifically, a call control server provides call control pages that include a set of clickable commands to the CSR computers. (See Foladare, Abstract; and Column 1, line 53 to Column 2, line 28)

Isidoro teaches a multimedia call configuration system. Specifically, Isidoro teaches a system that employs objected oriented commands to establish complex call and connection configurations between network subscribers participating in a broadband/multimedia call. (See Isidoro, Abstract; and Column 2, lines 39-59)

The Examiner's attention is directed to the fact that Foladare and Isidoro (either singly or in any permissible combination) fails to disclose or suggest the novel aspect where "feature boxes are created based on the network functional requirements of a

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communication device associated with a network user over a distributed feature

communication network", as positively claimed by the Applicants. Specifically,

Applicants' independent claims 1 and 18 positively recite:

> 1.   A method for providing communication control functionality to at least one communication device associated with an enhanced network user over a distributed feature communication network, the distributed feature communication network comprising a plurality of feature boxes, each feature box enabling a particular communication functionality, the distributed feature communication network also comprising an operational database, said operational database including data records accessible to the enhanced network user for performing work related tasks, the method comprising:
> creating an authentication feature box for receiving login information from the at least one communication device associated with the enhanced network user, said authentication feature box determining if the at least one communication device will have access to communication control functions residing in the distributed feature communication network; and
> upon login, <u>creating one or more application feature boxes, each application feature box being capable of performing a particular communication control functionality for the at least one communication device, said one or more application feature boxes also being able to download data records from the operational database and communicating the data records to the at least one communication device.</u> (Emphasis added.)

> 18.   A method for processing communications to communication devices logged onto a distributed feature network, the distributed feature network comprising a plurality of feature boxes, each feature box enabling a particular communication functionality, the distributed feature network also comprising an operational database, said operational database including data records accessible to the communication devices for performing work related tasks, said communication devices being able to receive voice and data communications, each said communication device being associated with a particular agent, each agent logging in prior to having access to the distributed feature network, said distributed feature network maintaining a list of logged in agents and associated communication devices, said communications originating from one or more third party devices, each third party device being identified by origination information, the method comprising:
> receiving a communication request to connect to a communication device logged onto the distributed feature network;
> determining the type of communication requested by the third party device;
> determining the availability of those communication devices able to respond to the type of communication being requested by the third party device;

routing the communication to an available communication device able to respond to the type of communication being requested;

forwarding to the available communication device information from the operational database relating to the third party associated with the third party device that originated the communication; and

creating feature boxes corresponding to the communication control functionality required by the available communication device so the available communication device is able to interact with the third party device. (Emphasis added.)

The present invention is directed to a system and method for providing communication control functionality at a remotely located site using a distributed feature architecture. For example, an Enhanced Network User (ENU) connects to a Distributed Feature Network (DFN) in order to gain access to communications features contained in the DFN. One or more feature boxes are created in order to implement the requested communication.

An example of the type of ENU who may request communication over the DFN is a customer service representative or agent who works in a remote location from a call center and does not have access to sophisticated communication equipment. The customer service representative connects to the DFN and logs in so that he can have access to call center applications. Once logged in, the customer service representative is able to retrieve information, such as order forms and customer records from an operational database. The customer service representative also is able to use sophisticated communication features such as conference calling, transferring calls and monitoring techniques by accessing the appropriate feature boxes in the DFN.

Another example of the type of ENU who may request communication over the DFN is a telecommuter. The telecommuter connects to the DFN and logs in so that he can have access to telecommuter applications. Once logged in the telecommuter is able to retrieve files from an operational database. The telecommuter is also able to use sophisticated communication features such as conferencing, share presentation and other application by accessing the appropriate feature boxes in the DFN.

Thus, Applicants' invention discloses a novel approach where appropriate feature boxes are dynamically created in the DFN based upon communication control

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functionality required by the available communication device.

First, the Examiner conceded that "Foladare does not teach the distributed feature network and the aspects of a feature box." However, the Examiner alleged that Isidoro teaches the creation of feature modules using objected-oriented commands. Applicants respectfully disagree. Isidoro only discloses that there are a plurality of stored configurations (CL-Cs and CN-Cs) that can be used to provide connectivity to support a requested call. These predefined configurations are not feature modules as defined by the Applicants.

For example, Applicants define each application feature box being capable of performing a particular communication control functionality for the at least one communication device, said one or more application feature boxes also being able to download data records from the operational database and communicating the data records to the at least one communication device in independent claim 1. Isidoro's configurations are only intended to establish connection configurations, but they have no capabilities to download or communicate data records.

In another example, Applicants define the step of creating feature boxes corresponding to the communication control functionality required by the available communication device, in independent claim 18. This ability to create the proper feature boxes in response to the requirement based on the available communication device is also not taught by Isidoro. Clearly, Isidoro states that "the network subscriber utilizing SPE 105 initiates the call by sending a call topology request to setup a call by sending a call topology request to setup a call to SSP102." (See Isidoro, Column 3, lines 51-53). Thus, Isidoro is devoid of any teaching where new commands are created based on the available communication device. Instead, Isidoro is simply responding to a call topology request, e.g., a voice connection request, a video connection request or a data connection request. Responsive to such a request, the proper commands are then executed to only effect connection relating to different multimedia configurations. Thus, combining Foladare and Isidoro would not make Applicants' invention obvious.

Second, Foladare recites the use of control pages that include a set of clickable commands to the CSR computers, whereas Isidoro recites the use of predefined

objected oriented commands. It is respectfully submitted that these two references clearly **teach away** from each other. The use of control pages are clearly different than the use of predefined objected oriented commands. It is unclear how the combination of these two different techniques would arrive at Applicants' teaching of "creating feature boxes <u>corresponding to the communication control functionality required by the available communication device.</u>"

In rejecting claims under 35 U.S.C. §103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. <u>See</u> <u>In re Fine</u>, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in <u>Graham v. John Deere Co.</u>, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. <u>Uniroyal, Inc. v. Rudkin-Wiley Corp.</u>, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir.), <u>cert. denied</u>, 488 U.S. 825 (1988); <u>Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.</u>, 776 F.2d 281 293, 227 USPQ 657, 664 (Fed. Cir. 1985), <u>cert. Denied</u>, 475 U.S. 1017 (1986); <u>ACS Hosp. Sys., Inc. v. Montefiore Hosp.</u> 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a <u>prima facie</u> case of obviousness. <u>Note</u> <u>In re Oetiker</u>, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness. Thus, Applicants' independent claims 1 and 18 are not made obvious by the teaching of Foladare in view of Isidoro.

Furthermore, dependent claims 2, 5, 9, 10, 12, 22 and 24, which depend either directly or indirectly from independent claims 1 and 18, respectively, and recite additional limitations are also not made obvious by the teaching of Foladare in view of Isidoro.

B. Claims 11, 20 and 23

The Examiner rejected claims 11, 20 and 23, under 35 U.S.C. §103 in Paragraph 7 of the Office Action, as being unpatentable over Foladare et al. in view of Bateman et al. (U.S. Patent No. 6,668,286, issued December 23, 2003 herein referred to as "Bateman"). The rejection of claims 11, 20 and 23 is respectfully traversed.

Bateman teaches a method for coordinating data and voice communications via a customer contact channel changing system over IP. Specifically, Bateman teaches a method for integrating WWW services with live ACD agents for changing of customer contact channels.

The significant gap as discussed above is not bridged by the combination of Bateman with Foladare. In brief, Bateman also fails to disclose creating feature boxes as discussed. As such, combining Foladare and Bateman would not make Applicants' invention obvious as claimed in independent claims 1 and 18.

Furthermore, dependent claims 11, 20 and 23, which depend either directly or indirectly from independent claims 1 and 18, respectively, and recite additional limitations are also not made obvious by the teaching of Foladare in view of Bateman.

C. Claims 16 and 17

The Examiner rejected claims 16 and 17, under 35 U.S.C. §103 in Paragraph 13 of the Office Action, as being unpatentable over Foladare et al. in view of Official Notice. The rejection of claims 16 and 17 is respectfully traversed.

The Examiner conceded that Foladare does not teach a distributed feature communication network is a broadband network or a cable network. However, the Examiner took official notice that DSL and cable modems are well known in the art.

Applicants respectfully disagree. Although the existence of DSL and cable modems are well known in the art as individual devices, the Examiner fails to provide motivation how these devices can be combined with Foladare to arrive at Applicants' invention. It is respectfully requested that the Examiner provides the necessary

motivation and support for the combination of Foladare with the general teachings of DSL and cable modems.

As such, combining Foladare with official notice would not make Applicants' invention obvious as claimed in dependent claims 16 and 17.

D. Claims 3, 4, 6, 7, 8, 13, 14, 15, 19, 21, 25, 26, and 27

It appears that the Examiner is rejecting claims 3, 4, 6, 7, 8, 13, 14, 15, 19, 21, 25, 26, and 27 as being unpatentable over Foladare individually in Paragraphs 2, 3, 4, 5, 6, 8, 9, 10 11, and 12 of the Office Action. Applicants respectfully disagree.

Since the Examiner conceded that "Foladare does not teach the distributed feature network and the aspects of a feature box", Applicants submit that Foladare as an individual reference cannot make obvious Applicants' invention as claimed in independent claims 1 and 18. Since claims 3, 4, 6, 7, 8, 13, 14, 15, 19, 21, 25, 26, and 27 which depend either directly or indirectly from independent claims 1 and 18, respectively, and recite additional limitations, Applicants submit that claims 3, 4, 6, 7, 8, 13, 14, 15, 19, 21, 25, 26, and 27 are also not made obvious by the teaching of Foladare.

Conclusion

Thus, Applicants submit that none of the claims presently in the application are made obvious under the provisions of 35 U.S.C. § 103. Consequently, Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Date

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